

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN ERIC PARTANEN.

Plaintiff,

Y.

WESTERN UNITED STATES PIPE BAND ASSOCIATION.

Defendant.

Case No. 1:21-cv-00588-NONE-BAM

**ORDER DISREGARDING PURPORTED
STIPULATION TO AMEND COMPLAINT**

(Doc. 12)

On May 27, 2021, Plaintiff John Eric Partanen, proceeding pro se, filed a document titled “Stipulation Alowing [sic] the Plaintiff to Amend His Complaint,” (Doc. 12), and a First Amended Complaint (Doc. 13.) According to the purported stipulation, Plaintiff obtained the “consent of defense council to file the amended complaint on or before May 28, 2021” and attached “[a]n email reportedly confirming the stipulation. (Doc. 12 at 1.)

Federal Rule of Civil Procedure 15(a) provides that a party may amend its pleading once as a matter of course within “21 days after serving it,” or if, as here, “the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1).

1 No responsive pleading or motion under Rule 12(b), (e), or (f) has been filed. Plaintiff therefore
2 is entitled to amend his complaint as a matter of course.

3 Insofar as Plaintiff represents that the parties have stipulated to an amendment of the
4 complaint, Defendant has not appeared in this action. Further, defense counsel has neither made
5 an appearance in this action nor signed the purported stipulation. The Court is unable to consider
6 or give effect to any purported stipulation in the absence of signatures from all parties affected by
7 the proposed stipulation. Accordingly, the “Stipulation Alowing [sic] the Plaintiff to Amend His
8 Complaint” is HEREBY DISREGARDED. The First Amended Complaint remains as filed.

IT IS SO ORDERED.

Dated: **June 4, 2021**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE